

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Case No. 20 – 11889

DR. SHIVA AYYADURAI,
The Plaintiff,

v.

WILLIAM FRANCIS GALVIN, in his official capacity as the
Secretary of the Commonwealth of Massachusetts,
The Defendant.

AFFIDAVIT

In response to Judge Wolf's October 29, 2020 Order (#17), Plaintiff respectfully submits this affidavit.

Plaintiff hired Daniel Casieri (BBO# 697693) to write the complaint, the motion for a TRO, and to perfect service upon the Defendant.

Casieri represented to the Plaintiff that he had a telephone call on Wednesday, October 21, 2020, with Defendant's counsel at the AGO, Adam Hornstine, and followed that, the next day with a conference via Zoom that took place between 2pm and 3pm, during which AAG Hornstine had agreed to accept service and process verbally on the phone call given the time constraints in an emergency motion. Casieri further represented to Plaintiff that he had conferred with AAG Hornstine specifically regarding the motion for a TRO and that AAG Hornstine had informed him that the Defendant would robustly oppose the motion citing a Supreme Court case, *Lionel Bradford v. Michigan* from 1969; further, Casieri represented to Plaintiff that AAG

Hornstine would oppose the whole complaint on the basis of Eleventh Amendment immunity, which AAG Hornstine now has.

In addition, after Plaintiff discharged Casieri and opted to continue *pro se* by filing the delayed response to Judge Wolf's October 20, 2020, Order, Plaintiff spoke on the telephone himself with AAG Hornstine on October 27, 2020, to inform him that he was now *pro se* and that he had prepared a supplemental memorandum for filing that day. AAG Hornstine informed Plaintiff that he was representing Defendant in this matter and was aware of the pleadings. Plaintiff emailed him a copy of the supplemental memorandum, then again emailed him a copy of the Judge's Order later that day, followed by sending him a hard copy of the Order via overnight Express Mail.

Plaintiff has endeavored to also obtain an affidavit from former counsel Casieri to memorialize the acceptance of service and his conferrals with AAG Hornstine. This is awaited.

Screenshot of a text message from Casieri documenting his upcoming phone conference with Hornstine between 2pm to 3pm is imcluded. Casieri represented to Plaintiff that the call was to be via Zoom.

Respectfully submitted under the pains and penalties of perjury,

October 29, 2020.

/s/ Dr. Shiva Ayyadurai
Plaintiff, *pro se*
Dr. Shiva Ayyadurai
701 Concord Ave,
Cambridge, MA 02138
Email: vashiva@vashiva.com
Phone: 617-631-6874

CERTIFICATE OF SERVICE

I certify that this document, filed via ECF in order to arrive by 4:30PM today, was sent electronically by email to opposing counsel Adam Hornstine Esq. at the Massachusetts Office of the Attorney General.

October 29, 2020

/s/ Dr. Shiva Ayyadurai
Plaintiff, *pro se*
Dr. Shiva Ayyadurai
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Email: vashiva@vashiva.com
Phone: 617-631-6874

EXHIBIT

